

OFFICE OF STATE ETHICS

DOCKET NO. 2010-23

IN THE MATTER OF A	:	18-20 TRINITY STREET
COMPLAINT AGAINST	:	HARTFORD, CT 06106
G. KENNETH BERNHARD	:	MAY 25, 2010

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, Conn. Gen. Stat. §§1-79, *et. seq.*, Jill Hartley, a special Ethics Enforcement Officer for the Office of State Ethics, issued a complaint against the Respondent, G. Kenneth Bernhard ("Respondent"), for violations of the Code of Ethics, Conn. Gen. Stat. §1-80(i). Based upon the evaluation conducted by the special ethics enforcement officer and further based upon the admission of Respondent herein, the special ethics enforcement officer finds there is probable cause to believe that the Respondent violated Conn. Gen. Stat. §1-80(i) when he made three political campaign contributions while serving as a member of the Citizen's Ethics Advisory Board.

The parties have entered into this Stipulation and Consent Order following an evaluation and the issuance of a complaint, but without adjudication of any issue of fact or law herein. This Stipulation and Consent Order relates to and resolves all claims relating to the conduct that gave rise to the evaluation in this matter.

I. STIPULATION

The Special Ethics Enforcement Officer and Respondent hereby stipulate to the following facts:

1. From January 14, 2008 to March 4, 2010 the Respondent was a member of the Citizen's Ethics Advisory Board and a "public official", as that term is defined in General Statutes § 1-79(m).
2. As a Public Official, the Respondent was subject to the Code of Ethics for Public Officials.
3. In May 2008, the Respondent made a political donation of \$100 to his law partner, Vincent Marino, who was seeking political office.
4. In May 2008, the Respondent made a political donation of \$50 to a friend of his, Nitzy Cohen, who was running for State Representative for the 136th District.
5. In October 2008, the Respondent made a political donation of \$100 to Governor Rell's exploratory committee.
6. Section 1-80(i) of the Code of Ethics for Public Officials prohibits members of the Citizen's Ethics Advisory Board and employees of the Citizen's Ethics Advisory Board or the Office of State Ethics from making a contribution, as defined in section 9-601a, to any person subject to the Code of Ethics for Public Officials. Under Section 9-601a(1) a contribution includes "[a]ny gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party"

7. In October of 2009, the Respondent became the Chairperson for the Citizen's Ethics Advisory Board.
8. By making the three political contributions identified above, the Respondent stipulates that were this case to proceed to a formal hearing under Conn. Gen. Stat. § 1-82, the State would be able to present sufficient evidence to prove the facts above and that those facts if proven, would constitute a violation of Conn. Gen. Stat. § 1-80(i). The respondent does so without admitting guilt or liability there under on his part.

II. JURISDICTION

1. The Special Enforcement Officer is authorized to evaluate and investigate the Respondent's actions, to issue a Complaint against the Respondent, and to enter into this Stipulation and Consent Order.
2. The provisions of this Stipulation and Consent Order apply to and are binding upon the undersigned parties.
3. The Respondent hereby waives all objections and defenses to the jurisdiction of the Special Ethics Enforcement Officer over matters addressed in this Stipulation and Consent Order.
4. The Respondent waives any rights he may have under Conn. Gen. Stat. §§ 1-82, 1-82a, 1-87, and 1-80, including the right to a hearing or appeal in this case, and agrees with the Special Ethics Enforcement Officer to an informal disposition of this matter as authorized by Conn. Gen. Stat. § 4-177(c).

5. The Respondent consents to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut seeks to enforce this Stipulation and Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

III. RESPONDENT'S POSITION

1. The Respondent acknowledges making three small political contributions in his private capacity. The Respondent did so without any intent to violate, or any knowledge that those contributions might constitute a violation of Conn. Gen. Stat. §1-80(i).
2. The Respondent received no personal gain from making the donations, which were made entirely as a gesture of support for three political aspirants.
3. The Respondent states that he has fully cooperated with the evaluation of the Enforcement Division.
4. The Respondent resigned as a member of the Citizen's Ethics Advisory Board so as to not compromise the integrity of the Board during the pendency of the evaluation.

NOW THEREFORE, pursuant to Conn. Gen. Stat. §4-177(c), the Special Ethics Enforcement Officer on behalf of the Office of State Ethics and the Respondent hereby enter into this Stipulation and Consent Order and hereby agree as follows:

IV. ORDER

1. Pursuant to Conn. Gen. Stat. §1-88(a)(3), the Special Ethics Enforcement Officer orders Respondent to pay and the Respondent agrees to pay civil penalties to the State in the amount of Three Thousand and Five Hundred Dollars and 00/100 cents (\$3,500.00) for a violation of Conn. Gen. Stat. §1-80(i) pursuant to the stipulated facts.
2. The Special Ethics Enforcement Officer orders and the Respondent agrees to pay all civil penalties to the Office of State Ethics within thirty (30) days of the signing of this Stipulation and Consent Order.

WHEREFORE, the Special Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order, dated May 25, 2010.

DATED: 5/25/10

G. Kenneth Bernhard
G. Kenneth Bernhard, Respondent
146 Kings Highway North
Westport, CT 06880

DATED: 5/27/10

Jill Hartley
Jill Hartley, Special Ethics Enforcement
Officer on behalf of the Office of State
Ethics
100 Pearl Street, 14th Floor
Hartford, CT 06103